

Message Text

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ACTION DLOS-06

INFO OCT-01 ARA-06 IO-13 ISO-00 SAL-01 FEA-01 ACDA-07

AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01

COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 AF-08 EA-07 EUR-12 NEA-10 /158 W

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R 302300Z AUG 76

FM AMEMBASSY QUITO

TO SECSTATE WASHDC 1345

INFO AMCONSUL GUAYAQUIL

USMISSION USUN NY

C O N F I D E N T I A L QUITO 6179

E.O. 11652: GDS

TAGS: PLOS EFIS PFOR EC

SUBJ: LOS: ECUADOREAN APPROACH ON HIGHLY MIGRATORY SPECIES

AND ARTICLE 53 OF RSNT

REF: STATE 212100, 212101, 212404

1. ANOTHER TUNA SEASON WILL SOON BE UPON US AND IT IS
IMPORTANT THAT GOE BELIEVE THAT PROGRESS IS BEING MADE
TOWARD A SOLUTION THAT WOULD BE POLITICALLY ACCEPTABLE
WITHIN ECUADOR. WE BELIEVE THAT SUCH SOLUTION ULTIMATELY
CAN BE REACHED ONLY WITHIN THE CONTEXT OF MULTILATERAL
NEGOTIATIONS. WE UNDERSTAND THAT THE PROPOSED MEXICO CITY
MEETING FOR THIS FALL HAS NOW SLIPPED TO THE SPRING OF 1977.
WE HAVE A MAJOR TUNA FISHING SEASON TO GET THROUGH BETWEEN
NOW AND THEN. I GATHER THAT TUNA IS NOT CURRENTLY A
PROMINENT ISSUE IN NEW YORK, BUT IF WE DO NOT TAKE SOME
PAINS NOW TO DEAL WITH THE PROBLEM WE RUN THE RISK OF RE-
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NEWED SEIZURES OF US FISHING BOATS DURING THE NEXT TUNA

SEASON.

2. EMBASSY BELIEVES THAT ECUADOREAN REP LUIS VALENCIA'S APPROACH TO AMBASSADOR CLINGAN INDICATING THAT ECUADOR WOULD LIKE TO ESTABLISH A SMALL NEGOTIATING GROUP OF STATES INTERESTED IN FURTHER DEVELOPING ARTICLE 53 OF PART 2 OF THE RSNT DEMONSTRATES GOE'S INTEREST IN REACHING A CONSENSUS ON THE ARTICLE THAT WOULD PERMIT CREATION OF A REGIONAL FISHING AGREEMENT. SUCH AN AGREEMENT IS ESSENTIAL TO RESOLUTION OF OUR LOGSTANDING FISHERIES DISPUTE.

3. GOE'S PROPOSAL TO INSERT IN THE COMPREHENSIVE LOS TREATY A CLAUSE SAYING THAT STATES THAT HAD PREVIOUSLY HAD A TERRITORIAL SEA GREATER THAN 12 MILES COULD CONTINUE TO DENOMINATE THE 200-MILE ZONE AS A TERRITORIAL SEA ON THE CONDITION THAT THE STATES' DUTIES AND OBLIGATIONS ARE IN CONFORMITY WITH THE LOS CONVENTION IS ANOTHER INDICATION OF THE GREAT INTERNAL POLITICAL SENSITIVITY OF THE TERRITORIAL SEA QUESTION TO ANY ECUADOREAN GOVT. IT ALSO SHOWS THAT THE GOE IS SEARCHING FOR A LEGAL FORMULA THAT WILL PERMIT IT TO ACCEPT THE PRACTICAL CONSEQUENCES OF THE ECONOMIC ZONE PRINCIPLE AND ALSO PROTECT ITSELF FROM CRITICISM BY POLITICAL OPPONENTS.

4. I BELIEVE THAT IT WOULD BE TO OUR ADVANTAGE TO BE RESPONSIVE TO THE GOE PROPOSAL TO REOPEN INFORMAL NEGOTIATIONS ON ARTICLE 53. AT THE LEAST, IT WOULD DEMONSTRATE OUR CONTINUING INTEREST IN WORKING OUT THIS LONG-STANDING PROBLEM WITH ECUADOR BY NEGOTIATIONS. SUCH AN ATTITUDE BY THE USG IS IMPORTANT TO THOSE WITHIN THE GOE WHO WISH TO PURSUE A MODERATE POLICY AND AVOID FISHING-BOAT SEIZURES. AN APPEARANCE OF INDIFFERENCE ON OUR PART, ON THE OTHER HAND, WILL GIVE ARGUMENTS TO THOSE WHO ARE ARGUING FOR A RETURN TO THE "PRE-1975" AGGRESSIVE ENFORCEMENT OF THE 200-MILE TERRITORIAL SEA AGAINST US FISHERMEN AND THESE CRITICS ARE ALREADY MAKING THEIR VOICES HEARD IN THE LOCAL PRESS. THAT SEVERAL COUNTRIES SUPPORTED THE GOE PROPOSED REVISION TO ARTICLE 53 WOULD SEEM TO INDICATE THAT THE PREVIOUSLY NEGOTIATED US-ECUADOREAN TEXT OF ARTICLE 53 COULD SERVE AS A BASIS OF DISCUSSION AMONG STATES INTERESTED IN A REGIONAL

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FISHERIES AGREEMENT FOR THE EASTERN PACIFIC REGION.

5. I THEREFORE RECOMMEND THAT THE DEPT GIVE SERIOUS CONSIDERATION TO INSTRUCTING THE USDEL TO REOPEN DISCUSSIONS OF ARTICLE 53 WITH ECUADOR AND OTHER EASTERN PACIFIC COUNTRIES. BLOOMFILED

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TUNA, TERRITORIAL SEA LIMIT, FISHING LIMITS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 30 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976QUITO06179
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760367-0665
From: QUITO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t1976087/aaaaafga.tel
Line Count: 113
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 STATE 212100
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by greeneet>; APPROVED <02 NOV 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: ECUADOREAN APPROACH ON HIGHLY MIGRATORY SPECIES AND ARTICLE 53 OF RSNT
TAGS: PLOS, EFIS, PFOR, EC
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006